

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Brian R. Titus,)	Civil Action No.: 4:16-2687-BHH
)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
NANCY A. BERRYHILL ¹ ,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	
_____)	

Defendant, Nancy A. Berryhill, Acting Commissioner of Social Security moves pursuant to sentence four of 42 U.S.C. § 405(g) for an order of reversal with remand of the cause to the Commissioner for further administrative proceedings. *See Shalala v. Schaefer*, 509 U.S. 292 (1993). Plaintiff does not oppose Defendant's motion. Upon consideration, Defendant's motion (ECF No. 21) is GRANTED. The Court hereby REVERSES the Commissioner's decision in this matter under sentence four of 42 U.S.C. § 405(g)², and REMANDS the case to the Commissioner for further administrative proceedings.

On remand, the ALJ should specifically: (1) evaluate Plaintiff's claim; (2) offer Plaintiff an opportunity for a hearing; and (3) issue a new decision.

IT IS SO ORDERED.

/s/ Bruce Howe Hendricks
United States District Judge

March 10, 2017
Greenville, South Carolina

¹Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting Commissioner Carolyn W. Colvin as the defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

²The Clerk of Court will enter a separate judgment pursuant to the Federal Rules of Civil Procedure, Rule 58.